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TO RUEHC/SECSTATE WASHDC IMMEDIATE 4303  
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY  
RUCNFRG/FRG COLLECTIVE PRIORITY  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 0624  
RUEHKO/AMEMBASSY TOKYO PRIORITY 1318  
RUEHME/AMEMBASSY MEXICO PRIORITY 0263  
RUEHOT/AMEMBASSY OTTAWA PRIORITY 0908  
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 0216  
RUEHGP/AMEMBASSY SINGAPORE PRIORITY 0186  
RUEAHL/DEPT OF HOMELAND SECURITY WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BERLIN 002058

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STATE FOR EUR/AGS AND CA/P/IP - ERIN TREACY

E.O. 12958: DECL: 07/21/2016

TAGS: [PTER](#) [CVIS](#) [PINR](#) [PGOV](#) [PREL](#) [GM](#)

SUBJECT: GERMANY: HSPD-6 TERRORIST DATA SHARING UPDATE

REF: A. STATE 109771

[1](#)B. PILZ-PATTISON EMAILS

[1](#)C. BERLIN 1995

Classified By: Acting Deputy Chief of Mission John K. Bauman for Reason  
s 1.4 (b) and (d)

[1](#)1. (SBU) Summary. Mission Germany has pushed HSPD-6 information sharing with German officials for several months, thus far without success, but recent developments and future high-level contact may provide a way forward. The U.S. sharing of the Terrorist Screening Database (TSDB) for the Soccer World Cup and an upcoming letter and visit to Washington from Interior Minister Schaeuble provide opportunities to influence the German position. End Summary.

#### Background

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[1](#)2. (SBU) Germany has several federal law enforcement and security agencies, among them the Federal Office of Criminal Investigation (BKA), Federal Police (BPOL), Federal Office for the Protection of the Constitution (BfV - domestic security service) and Federal Intelligence Service (BND - foreign security service). Each maintain data on those who might pose a threat to Germany, including terrorists. The Federal Interior Ministry, which is the parent ministry of all these agencies except the BND, is drafting legislation that may result in a combined database (ref C).

#### Mission Efforts

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[1](#)3. (C) Several Mission Germany elements have engaged their German counterparts to encourage the sharing of terrorist lookout information during recent months. While efforts have not yet borne fruit, progress may still be possible. Legat sought access to different sets of German terrorist data (convicted terrorists, suspected terrorists, and those believed to pose a threat), including their fingerprints. Attorney General Gonzales raised the issue with Interior Ministry Deputy Minister Altmaier in Vienna in May and FBI Deputy Director Pistole had earlier made the request to senior German counterparts in October 2005. German officials responded that European and German data privacy considerations prevent the sharing of the information. MOI staff cite the same obstacle to Global Affairs Officer and add that Washington might want to consider seeking data exchange with the Schengen system, rather than individual

European countries.

¶4. (C) Secretary Chertoff specifically raised the sharing of terrorist lookout data with German Interior Minister Wolfgang Schaeuble in June at the G-8 Justice and Home Affairs ministerial in Moscow. This meeting along with refs A and B provided post the opportunity to pursue the HSPD-6 agenda anew. Senior MOI officials repeatedly cite broader data sharing as a prime German objective in the fight against terrorism. MOI DG for the Federal Police, Dr. Ruediger Kass, told EMIN July 13 that privacy considerations notwithstanding, Germany shared U.S. objectives in preventing the travel of terrorists and ought to be able to agree to the U.S. request. But MOI Deputy DG for Counterterrorism Gerhard Schindler was less optimistic in a July 17 meeting with a visiting interagency U.S. Counterterrorism delegation headed by Primary National Intelligence Officer for Transnational Threats David Low. Schindler again cited the privacy considerations.

Upcoming Ministerial Correspondence, Travel  
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¶5. (C) MOI Office Director for Biometrics, Passports and IDs in the Information Technology Directorate Andreas Reisen told Cons MinCouns, ConOff and Global Affairs Officer July 20 that he was to draft a letter from Minister Schaeuble to Secretary Chertoff responding to the Secretary's proposal in their June meeting for the two countries to work more closely together. Emboffs told Reisen, and subsequently informed other MOI offices, that the Minister should respond to Secretary Chertoff's specific HSPD-6 proposal for terrorist lookout data sharing, a key U.S. priority, in his letter. Other MOI

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offices, including those of Kass and Schindler, will also have input in the letter. The letter will set the stage for Schaeuble's planned visit to Washington the week of September ¶24.

TSC Shared TSDB for World Cup

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¶6. (C) Recent successful data sharing may also help argue our case: The TSC shared relevant portions of the TSDB, via Legat, with the BKA for Germany to vet those applying for accreditation badges at the June 9 - July 9 2006 Soccer World Cup. German officials checked more than 147,000 names against the TSDB; there were no "hits." In order to prevent a court-mandated release of any potentially provided tearline information on hits, the two sides agreed that the U.S. would provide hit background information, if any, to the BfV. Under German law the BfV would be able to resist a judge's order to reveal the source of the information on confidentiality grounds; the BKA would not. This resolution

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of how the two sides would handle potential hits made it possible for the U.S. to share the TSDB with Germany and may point a way forward for HSPD-6 as well.

¶7. (SBU) Mission will continue to work with German officials in the coming months towards an agreement to share terrorist lookout data per HSPD-6.

TIMKEN JR